

In re Patent Application of:

FLICK

Serial No. 10/626,969

Filing Date: JULY 25, 2003

REMARKS

The Examiner is thanked for the thorough examination of the present application and for correctly indicating the allowability of the subject matter of dependent Claims 9-11. Claims 1-40 have been canceled.

New independent Claim 41 has been added, containing the subject matter of prior independent Claim 1, and dependent Claims 4-5, and 7. New independent Claim 46 has been added, containing the subject matter of prior independent Claim 12, dependent Claims 15-16 and 18. New independent Claim 51 has been added and is a method counterpart to independent Claim 41. New independent Claim 53 has been added and is a method counterpart to independent Claim 46.

In view of the amendments made and the arguments presented in detail below, it is submitted that all claims are patentable.

I. The Amended Claims

New independent Claim 41, for example, is directed to a vehicle security system for a vehicle of a type comprising a vehicle data communications bus extending throughout the vehicle, the data communications bus carrying data and address information thereover, and connected to a plurality of vehicle devices. A two-zone shock sensor interfaces with the vehicle data communications bus extending throughout the vehicle and carrying data and address information for generating a pre-warning signal, and an alarm signal depending upon a sensed threat level.

Moreover, independent Claim 41 recites an audible alarm

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indicator and a vehicle security controller cooperating with the two-zone shock sensor and to interface with the vehicle data communications bus extending throughout the vehicle and carrying data and address information for causing the audible alarm indicator to generate an audible pre-warning indication based upon the pre-warning signal, or for causing the audible alarm indicator to generate an audible alarm indication based upon the alarm signal. The audible alarm indication has a greater volume than the audible pre-warning indication, and the audible alarm indication has a greater duration than the audible pre-warning indication.

New independent Claim 46 is similar to new independent Claim 41 except that the audible alarm indicator interfaces with the vehicle data communications bus extending throughout the vehicle and carrying data and address information. New independent Claim 51 is a method counterpart to new independent Claim 41. New independent Claim 53 is a method counterpart to new independent Claim 46.

II. The Claims Are Patentable

New independent Claim 41 contains the subject matter of prior independent Claim 1, and dependent Claims 4-5, and 7. New independent Claim 46 contains the subject matter of prior independent Claim 12, and dependent Claims 15-16 and 18.

Dependent Claims 4 and 15 were rejected over Nykerk in view of Applicant's Admitted Prior Art, Voss or Leen, and further in view of Hwang (407) and Hwang (697). Dependent Claims 5, 16, 7, and 18 were rejected over Nykerk in view of Applicant's

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Admitted Prior Art, Voss or Leen, and further in view of Hwang (407) and further in view of Issa et al. It is submitted that a selective combination of Nykerk, in view of Applicant's Admitted Prior Art, Voss, or Leen, and Hwang (407), Hwang (697), and Issa et al. in an attempt to produce the claimed invention would be improper.

Nykerk discloses an alarm system including a control module with an internal data bus, a proximity sensor, and an external speaker. The external speaker indicates a pre-warning signal when the proximity sensor detects an intruder. If the intruder does not leave during a designated period of time, the external speaker indicates an alarm signal.

Issa et al. discloses an alarm system, without an internal data bus, including a shock sensor and an external speaker. Based upon the intensity of a signal detected by the shock sensor, either a pre-warning signal or an alarm signal is indicated by the external speaker.

As the Examiner correctly recognized, Nykerk fails to disclose a vehicle data communications bus extending throughout the vehicle, an audible alarm indicator interfacing with the vehicle data communications bus, and a vehicle security controller connected to the at least one vehicle security sensor and interfacing with the vehicle data communications bus. In an attempt to supply these critical deficiencies, the Examiner combined Nykerk in view of Applicant's admitted prior art, Voss, or Leen. However, even a selective combination of Nykerk and in view of Applicant's admitted prior art, Voss, or Leen fails to produce the claimed invention because the combination does not

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disclose that the alarm indication has a greater duration than the pre-warning indication.

In attempt to supply this critical deficiency, the Examiner combined Nykerk in view of Applicant's admitted prior art, Voss, or Leen, and Hwang (697). However, even a selective combination of Nykerk in view of Applicant's admitted prior art, Voss, or Leen, and Hwang (697) fails to produce the claimed invention because the combination does not disclose that the alarm indication has a greater volume than the pre-warning indication and a two-zone shock sensor to interface with the vehicle data communications bus extending throughout the vehicle and carrying data and address information for generating a pre-warning signal and an alarm signal depending upon a sensed threat level.

An attempt to selectively combine Nykerk in view of Applicant's admitted prior art, Voss, or Leen, and Hwang (697), with Issa et al., to produce the feature of a two-zone shock sensor to interface with the vehicle data communications bus extending throughout the vehicle would fail to produce the claimed invention. While Issa et al. discloses a shock sensor, it does not disclose that the two-zone shock sensor is to interface with the vehicle data communications bus extending throughout the vehicle. In sharp contrast, the shock sensor of Issa et al. interfaces with signal analyzing circuitry via a conventional wiring harness.

Additionally, an attempt to supply these critical deficiencies to the combination by combining Nykerk in view of Applicant's admitted prior art, Voss, or Leen, and Hwang (697)

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and Issa et al. would be an exercise relying on improper hindsight, using the Applicant's specification as a template through which to reconstruct the Applicant's claims by selectively combining elements of numerous prior art references.

Moreover, such an attempt to combine Nykerk with Applicant's admitted prior art, Voss, or Leen, and Hwang (697) and Issa et al. would be improper because Issa et al. teaches away from its combination with Nykerk.

Nykerk indicates either a pre-warning signal or an alarm signal based upon the duration of a signal detected by a proximity sensor (see col. 6, lines 63-65). Issa et al. indicates either a pre-warning signal or an alarm signal based upon the intensity, rather than the duration, of a signal detected by a shock sensor. Indeed, Issa et al. states that measuring the duration of a signal detected by a sensor, rather than the intensity of a signal detected by a sensor, does not give an accurate assessment of the degree of threat sensed by that sensor (see col. 5, lines 6-10).

Moreover, the combination of Issa et al. with Nykerk would destroy an intended function of Nykerk - to generate either a pre-warning signal or an alarm signal based upon the duration of a signal detected by a proximity sensor. Furthermore, the replacement of Nykerk's proximity sensor with the shock sensor of Issa et al. would destroy the intended function of Nykerk to detect intruders based upon their proximity rather than based upon their touching of the protected vehicle. Accordingly, Issa et al. teaches away from its selective combination with Nykerk.

For at least the reasons above, new independent Claims

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41 and 46 are patentable over the prior art. Their respective method counterparts, new independent Claims 48 and 50, are likewise patentable and require no further discussion herein. The respective dependent claims of independent Claims 41, 46, 48, and 50 are likewise patentable and require no further discussion herein.

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CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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